HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, CJ &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

WRIT APPEAL NO.68 OF 2007

APPELLANT

Ramnath Vishwakarma, Aged 60 years, S/o Sahdev Vishwakarma, Occupation Shock Up Mechanic, Near Pawan Talkies, Railway Crossing, Korba, R/o Durpa Road, Korba (CG).

Versus

RESPONDENTS

1. State of Chhattisgarh, Through Secretary, Home Affairs, D.K.S Bhawan, Raipur (CG).
2. Superintendent of Police, Janjgir, District Janjgir-Champa (CG).
3. Superintendent of Police, Korba, District Korba (CG).
4. Station House Officer, Police Station Kusmunda, Distt. Korba (CG).
5. Station House Officer, Police Station Akaltara, District Janjgir-Champa (CG).
6. Public Health Centre, Baloda, Through B.M.O., P.H.C., Baloda, District Janjgir-Champa (CG).
7. Mahendra Singh Tomar, S.P., Korba, At present posted at 32 Battalion, Sakri, Bilaspur (C.G.).
8. K.S. Thakur, T.I., PS Kusmunda, Distt. Korba (CG).
9. Dhannu Yadav, I/c-O.P. Baloda, PS. Akaltara, Distt. Janjgir-Champa (CG).

Present : Shri Y. Chaturvedi, counsel for the appellant.
Shri N.K. Agrawal, Dy. Advocate General for the State.

ORAL ORDER
(Passed on 29th March, 2007)

The following oral order of the Court was passed by **H.L Dattu, CJ**.

A writ petition was filed by the father of the deceased Kailash Vishwakarma. According to him, his son was murdered by unknown person on 17-2-2004. After lodging the complaint by the father of the deceased, the Police authorities are investigating the matter.

2) Since there is some delay in lodging the First Information Report ("the FIR" for short), the petitioner is before this Court for a direction to the respondents - Police authorities to register the FIR in connection with the death of his son.

3) Learned Single Judge, after calling upon the respondents to file the reports of investigation and also after going through the report of Forensic Expert has come to the conclusion that the Forensic Expert is not in a position to give categorical opinion regarding cause of death of the deceased, therefore, the Police Department is not in a position to lodge FIR against any person.

4) We have gone through the order passed by the learned Single Judge and we are of the opinion that the learned Single Judge has not committed any error whatsoever, which may call for our interference. Accordingly, the writ appeal stands rejected. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
V.K.Shrivastava
Judge